

App. No. 09/779,127  
Response

REMARKS

Reconsideration of the application in view of the following remarks is respectfully requested. No claims are currently being amended, canceled or added. Therefore, claims 20-38 remain pending in the application.

SECOND REMINDER:

IDSs Mailed July 8, 2003 and Jan. 13, 2004

Applicants mailed a (1) Supplemental Information Disclosure Statement (IDS) to the USPTO on July 8, 2003, and (2) another Supplemental IDS to the USPTO on January 13, 2004. Applicants request that the Examiner consider the references listed in these two IDSs and return a copy of the signed Form PTO-1449s with the next paper for this application.

For the convenience of the Examiner, and just in case the IDSs have been lost, Applicants have submitted herewith another complete copy of the IDSs filed July 8, 2003 and January 13, 2004, along with copies of all of the cited references and with copies of the return receipt postcards with the OIPE stamps thereon, which proves that the IDSs and references were received by the USPTO. Therefore, Applicants request that the Examiner consider the references listed in the IDSs and return copies of the signed and initialed PTO-1449 Forms with the next paper for this application

Advisory Action Requested

If this response does not result in a Notice of Allowance, Applicants respectfully request a timely Advisory Action.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 20-38 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,154,738 to Call

("Call") in view of either U.S. Patent Application Publication No. 2001/0027418 to Johnson ("Johnson") or U.S. Patent No. 5,608,643 to Wichter et al. ("Wichter et al."). Applicants respectfully traverse these rejections.

Initially, it is noted that in the office action the Examiner refers to claims 12-38, which appears to be an inadvertent error since claims 20-38 are pending as a result of Applicants' last amendment.

Applicants' independent claim 20 includes a feature that a number of articles in a retail shop and a number of articles in a wholesale house corresponding to a predetermined ratio are considered to be the total stock of the articles to be sold by the retail shop in doing a transaction. Specifically, Applicants' independent claim 20 recites "calculation means which calculates a virtual stock number, which is a total number obtained by totaling the number of the articles in stock of the retail shop and a number of the articles corresponding to a ratio allocated to the retail shop among the articles in stock of the wholesale house". Independent claims 21, 26, 27, 29, 30, 35, 36 and 38 include similar language.

In their last response Applicants pointed out that their claimed "virtual stock" using a "ratio" is not disclosed in Call. And in the present office action the Examiner has acknowledged that Call does not teach the "ratio" limitation. (Final Office Action mailed 05/21/2004, page 4, last 2 lines). However, the Examiner now asserts that the "ratio" limitation is taught by both Johnson and Wichter et al.

Specifically, the Examiner asserts that paragraph [0007] of Johnson teaches a virtual stock number and that Wichter et al.'s claim 22 teaches a method of calculating virtual stock. (Final Office Action mailed 05/21/2004, page 5, first paragraph). The Examiner then appears to conclude that these

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portions of Johnson and Wichter et al. teach Applicants' claimed "ratio" feature. (Final Office Action mailed 05/21/2004, page 5, second paragraph).

Applicants respectfully disagree that the cited portions of Johnson and Wichter et al. teach Applicants' claimed "ratio" feature. Namely, Johnson's paragraph [0007] states that available inventory information may include the "number of items on order from supplier". However, this paragraph simply does not disclose or suggest that this information is based on a ratio according to which a number of articles are allocated to the retail shop among the total stock of articles of the wholesale house. The word "ratio" is not even found in this paragraph. Thus, Johnson does not disclose Applicants' claimed "ratio" feature.

With respect to Wichter et al., their claim 22 recites "a virtual stock that is a combination of stock in all dispensing units in the inventory group". However, similar to Johnson, there is simply nothing in the cited language of Wichter et al. that discloses or suggests that a number of articles are allocated to a retail shop based on a ratio of the total stock of articles of a wholesale house. And again, the word "ratio" is not even found in the cited language. Thus, Wichter et al. also does not disclose Applicants' claimed "ratio" feature.

Given that neither Johnson nor Wichter et al. teach Applicants' claimed "ratio" feature, the rejections of independent claims 20, 21, 26, 27, 29, 30, 35, 36 and 38 must be withdrawn. Applicants also submit that the rejections of claims 22-25, 28, 31-34 and 37 must also be withdrawn for at least these same reasons due to their dependency on their respective independent claims.



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No Fees Believed to be Due

No additional claims fees are believed to be due.

CONCLUSION

In view of the above, Applicant submits that the pending claims are in condition for allowance. Should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard E. Wawrzyniak at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Date:

8/13/04

Respectfully submitted,

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